

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

NOV - 7 2011

Federal Communications Commission  
Office of the Secretary

In the Matter of

**MARITIME COMMUNICATIONS/LAND  
MOBILE, LLC**

EB Docket No. 11-71  
File No. EB-09-IH-1751  
FRN: 0013587779

Participant in Auction No. 61 and Licensee of Various  
Authorizations in the Wireless Radio Services

Applicant for Modification of Various  
Authorizations in the Wireless Radio Services

**ENCANA OIL AND GAS (USA), INC.;  
DUQUESNE LIGHT COMPANY; DCP  
MIDSTREAM, LP; JACKSON COUNTY RURAL  
MEMBERSHIP ELECTRIC COOPERATIVE;  
PUGET SOUND ENERGY, INC.; ENBRIDGE  
ENERGY COMPANY, INC.; INTERSTATE POWER  
AND LIGHT COMPANY; WISCONSIN POWER  
AND LIGHT COMPANY; DIXIE ELECTRIC  
MEMBERSHIP CORPORATION, INC.; ATLAS  
PIPELINE - MID CONTINENT, LLC; DENTON  
COUNTY ELECTRIC COOPERATIVE, INC.,  
DBA COSERV ELECTRIC; AND SOUTHERN  
CALIFORNIA REGIONAL RAIL AUTHORITY**

Application File Nos.  
0004030479, 0004144435,  
0004193028, 0004193328,  
0004354053, 0004309872,  
0004310060, 0004314903,  
0004315013, 0004430505,  
0004417199, 0004419431,  
0004422320, 0004422329,  
0004507921, 0004153701,  
0004526264, 0004636537,  
and 0004604962

For Commission Consent to the Assignment of  
Various Authorizations in the Wireless Radio  
Services

To: Marlene H. Dortch, Secretary  
Attention: The Honorable Richard L. Sippel, Chief Administrative Law Judge

**RESPONSE TO ORDER REQUIRING ADDITIONAL INFORMATION**

On August 16, 2011, DCP Midstream ("DCP") filed a *Motion to Withdraw Notice of Appearance* ("DCP Motion") in the above-referenced matter. The Presiding Judge orally granted that motion during a hearing held on October 25, 2011, and issued an Order that same

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day. *Maritime Communications/Land Mobile, LLC*, Order, FCC 11M-30 (rel. Oct 25, 2011).

Subsequently, Interstate Power and Light Company (“IPL”) and Wisconsin Power and Light (“WPL”) filed a substantially similar *Motion to Withdraw Notice of Appearance* (“IPL/WPL Motion”). In their filing, IPL and WPL noted that they “have determined not to participate further in this proceeding,” and that “[t]o the extent that the applications under File Nos. 0004417199, 0004419431, 0004422320, and 0004422329 have not already been superseded by the bankruptcy filing of Maritime Communications/Land Mobile, LLC, IPL and WPL understand that by withdrawing their Notice of Appearance, those applications will be dismissed with prejudice.” (citing Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing ¶ 68, *In re Maritime Communications/Land Mobile, LLC*, FCC 11-64 (April 19, 2011)).

On November 1, 2011, the Presiding Judge released a *Memorandum Opinion and Order* (“November 1 Order”) which appears to revise its earlier grant of the *DCP Motion* to extend only to the withdrawal of counsel. IPL and WPL did not interpret the *DCP Motion* to have requested withdrawal of counsel, as it did not discuss the withdrawal of counsel nor was it entitled as such. The *IPL/WPL Motion* also did not request the withdrawal of counsel. Nevertheless, to clarify the purpose of their request, IPL and WPL seek to withdraw their Notice of Appearance, submitted on May 9, 2011, so that they may withdraw as parties from the hearing and no longer participate as parties in that proceeding.

The *November 1 Order* directs DCP, IPL and WPL to provide certain additional information. Specifically, in the *November 1 Order*, the Presiding Judge ruled that “in order to assure completeness and finality of relief sought [*i.e.*, withdrawal as parties from the proceeding], IT IS ORDERED that the dismissing parties must file and serve signed Statements

by executive officers by 7 November 2011, which recite a commitment that the companies shall withdraw their respective applications from the official license application files maintained by the Wireless Bureau, and shall also inform the Wireless Bureau that the Applicant companies have withdrawn as parties from this hearing.” In compliance with the *November 1 Order*, IPL and WPL hereby submit under Tab A the Statement of Gregg Lawry, Vice President Customer Service for IPL and WPL.

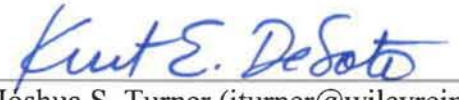
The Commission’s Universal Licensing System (“ULS”), the license application database maintained by the Wireless Telecommunications Bureau, does not permit an *assignee* identified in a pending application to withdraw unilaterally. The *assignor*, rather than the assignee, controls the submission of such a filing. Because IPL and WPL are the proposed assignees identified in the applications pending under ULS File Nos. 0004417199, 0004419431, 0004422320, 0004422329, they are unable to withdraw these applications on ULS as requested by the Presiding Judge. Nevertheless, in order to comply with the terms of the *November 1 Order*, the attached Statement of Gregg Lawry recites IPL and WPL’s commitment to take the steps necessary to withdraw these applications and to inform the Wireless Telecommunications Bureau that IPL and WPL have requested withdrawal as parties from this hearing.

The *November 1 Order* also directs “that by 15 November 2011, counsel for these applicant parties shall file in this proceeding – with copies to all counsel of record and the Chief Judge – Declarations under oath affirming that the withdrawals of said applications from the Wireless Bureau have been fully effected, and that the respective companies have no further interest whatsoever in the outcome of this hearing, or in the Maritime bankruptcy proceeding.”

Counsel for IPL and WPL are unable to comply with this requirement for several reasons. First, as noted above, IPL and WPL, as assignees, cannot unilaterally withdraw their applications

and, thus, cannot represent that “withdrawals of said applications . . . have been fully effected.” Second, while both IPL and WPL have no further interest in participating in the hearing, IPL and WPL cannot represent that they have “no further interest whatsoever . . . in the Maritime bankruptcy proceeding.” IPL and WPL are creditors of Maritime and reserve the right to pursue their claims against Maritime in the bankruptcy court. Third, IPL and WPL’s interest as creditors in the bankruptcy proceeding should not be relevant to their request for withdrawal as parties from this hearing.

With the clarifications provided above, IPL and WPL therefore respectfully renew their request that the Chief Administrative Law Judge grant their *Motion to Withdraw Notice of Appearance*, a copy of which is attached under Tab B.

  
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## CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November, 2011, I served copies of the foregoing "Response to Order Requiring Additional Information" by first class mail, postage prepaid, upon the parties listed below. Courtesy copies were also delivered by email.

The Honorable Richard L. Sippel, Chief Administrative Law Judge  
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Pamela S. Kane, Deputy Chief  
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Roger Noel, Chief, Mobility Division, Wireless Telecommunications Bureau  
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Intelligent Transportation & Monitoring Wireless, Verde Systems LLC, Telesaurus  
Holdings, V2G LLC and Warren Havens*

  
Patricia L. Destajo

## TAB A

### STATEMENT OF GREGG LAWRY

My name is Gregg Lawry. I am Vice President Customer Service for Interstate Power and Light Company ("IPL") and Wisconsin Power and Light Company ("WPL"). My responsibilities include overseeing the license transfer applications submitted to the FCC under ULS File Nos. 0004417199, 0004419431, 0004422320, and 0004422329.

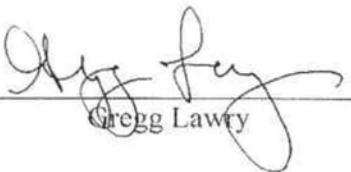
This Statement is filed at the direction of the Presiding Judge in the matter of In the Matter of **MARITIME COMMUNICATIONS/LAND MOBILE, LLC**, EB Docket No. 11-71, File No. EB-09-IH-1751 (the "Maritime Proceeding"), as set out in a Memorandum Opinion and Order filed November 1, 2011 ("November 1 Order").

IPL and WPL have determined not to participate further in the Maritime Proceeding. To the extent that the applications under File Nos. 0004417199, 0004419431, 0004422320, and 0004422329 have not already been superseded by the bankruptcy filing of Maritime Communications/Land Mobile, LLC, IPL and WPL understand that by withdrawing their Notice of Appearance, those applications will be dismissed with prejudice.

As the assignees in the above-referenced applications, IPL and WPL are unable to unilaterally withdraw these applications from the FCC's ULS database. Nevertheless, in order to comply with the terms of the November 1 Order, IPL and WPL commit to take the steps necessary to withdraw these applications and to inform the Wireless Telecommunications Bureau that IPL and WPL have requested withdrawal as parties from this hearing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11-7-11.

  
Gregg Lawry



**TAB B**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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**MARITIME COMMUNICATIONS/LAND )  
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For Commission Consent to the Assignment of )  
Various Authorizations in the Wireless Radio )  
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To: Marlene H. Dortch, Secretary  
Attention: The Honorable Richard L. Sippel, Chief Administrative Law Judge

**MOTION TO WITHDRAW NOTICE OF APPEARANCE**

By their attorneys and pursuant to Section 1.41 of the Commission's rules, Interstate  
Power and Light Company ("IPL") and Wisconsin Power and Light Company ("WPL") hereby  
submit this Motion to Withdraw Notice of Appearance filed in this proceeding on May 9, 2011.

IPL and WPL have determined not to participate further in this proceeding. To the extent that the applications under File Nos. 0004417199, 0004419431, 0004422320, 0004422329 have not already been superseded by the bankruptcy filing of Maritime Communications/Land Mobile, LLC, IPL and WPL understand that by withdrawing their Notice of Appearance, those applications will be dismissed with prejudice. *See* Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing ¶ 68, *In re Maritime Communications/Land Mobile, LLC*, FCC 11-64 (April 19, 2011).

IPL and WPL therefore respectfully request that the Chief Administrative Law Judge grant this motion.

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of October, 2011, I served copies of the foregoing  
“Motion to Withdraw Notice of Appearance” by first class mail, postage prepaid, and by email,  
upon the parties listed below:

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Pamela S. Kane, Deputy Chief  
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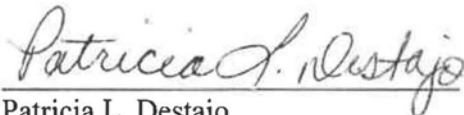
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